

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES OF AMERICA )  
 )  
 ) Case No. 1:09-CR-62  
v. ) Mattice / Lee  
 )  
ANDRE DELANE ROSS )  
 )

**O R D E R**

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court:

(1) grant Defendant's motion to withdraw his not guilty plea to Count One of the one-count indictment (2) accept Defendant's plea of guilty to Count One of the Indictment; (3) adjudicate Defendant guilty of the charges set forth in Count One of the Indictment; and (4) find Defendant shall remain in custody until sentencing in this matter [Doc. 25]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 25] pursuant to 28 U.S.C. § 636(b)(1) and

**ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count One of the Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to Count One of the Indictment is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count One of the

Indictment;

(4) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **Monday, November 9, 2009 at 9:00 a.m.** before the Harry S. Mattice, Jr.

**SO ORDERED.**

**ENTER:**

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*/s/Harry S. Mattice, Jr.*  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE